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Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON

Tacoma Division

JOSH ROBSON, an individual,

Plaintiff,

v.

BNSF RAILWAY COMPANY, a Delaware
corporation,

Defendant.

Case No. 3:23-cv-5667

COMPLAINT
FEDERAL EMPLOYERS LIABILITY
ACT (45 USC §51)

JURY TRIAL DEMAND

Plaintiff Josh Robson, by and through his attorney, Paul S. Bovarnick, (herein after
“Plaintiff”), for his Complaint against Defendant BNSF Railway Company hereby allege:

1.

Jurisdiction is conferred on this court by 45 USC §56, for their claims.

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COMPLAINT - 1

2.

At all material times, Defendant (hereinafter "BNSF") was a Delaware corporation doing business in Washington.

3.

At all material times Plaintiff was an employed by Defendant as a control operator in interstate commerce.

4.

At all material times, Plaintiff Robson was employed by Defendant BNSF as a conductor.

5.

On or about August 8, 2020, Plaintiff was on a moving freight car giving signals and a countdown for a stop. When the car did not slow, Plaintiff Robson, fearing a collision, jumped from the car injuring his back and right leg upon landing.

6.

Plaintiff's injuries were due to the negligence of the Defendant in failing to provide Plaintiff with safe tools and equipment and a safe place to work, in one or more of the following particulars:

- a. Defendant failed to timely stop the train on which Plaintiff was riding;
 - b. Defendant failed to warn Plaintiff that it was not going to stop the train on which Plaintiff was riding;
 - c. Defendant operated the train on which Plaintiff was riding at an unsafe speed;
- and

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d. Defendant failed to safely respond to the signals provided by Plaintiff.

7.

As a result of the negligence of the Defendant, Plaintiff Robson suffered physical and emotional injuries. As a further result of the negligence of the Defendant, Plaintiff Robson suffered and will continue to suffer impaired earning capacity, pain and worry. Plaintiff Robson has also lost, and will continue to lose, wages and benefits and has incurred and will continue to incur medical expenses.

WHEREFORE, Plaintiff Robson prays for the following relief:

For judgment against Defendant for economic and non-economic damages in an amount to be determined at trial and for their costs and disbursements incurred herein.

DATED: July 25, 2023.

Paul S. Bovarnick, Of Counsel
Rose, Senders and Bovarnick, LLC

By: s/ Paul S. Bovarnick
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Attorneys for Plaintiff

DEMAND FOR TRIAL BY JURY

COME NOW plaintiff Josh Robson, by and through his attorney, and hereby demands a trial by jury on all factual issues triable.

DATED: July 25, 2023.

Paul S. Bovarnick, Of Counsel
Rose, Senders and Bovarnick, LLC

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Attorney for Plaintiff